

REMARKS

Before considering the specific rejections raised by the Examiner, Applicant notes the promised full translation of JP '991 does not appear ever to have been provided.

Claim 1 has been amended to better define the claimed invention and to better distinguish the claimed invention from the prior art, as well as to address the various 35 U.S.C. § 112 rejections. Support may be found, for example, on page 5 of the Specification. No new matter has been added.

In response to the Examiner's statement that "there is no support for the limitation "whereby to selectively charge the battery and/or power the illuminator", Applicants note that original claims 7 and 8 provided:

7. The device as in claim 1 further comprising one or more sensor switches in electrical connection with said electrical circuitry for turning one or more of said electrical components on and off.
8. The device as in claim 1 further comprising one or more controllers in electrical connection to said electrical components or circuitry to control activation and/or duration of illumination and/or signal.

While these claims have been cancelled from consideration, they nonetheless support the claim language requiring selective charging of the battery and/or powering of the illuminator. In an effort to expedite prosecution, however, this limitation has been cancelled from the claim.

Thus, it is respectfully submitted that independent claim 1, as well as the several claims dependent thereon, complies with the provisions of 35 U.S.C. § 112, first paragraph, and withdrawal of the §112, first paragraph rejection is respectfully requested.

Turning to the art rejections and considering first the rejection of claims 1, 5-11, 14-33, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Murasko et al. (US 2002/0159245; hereinafter "Murasko '245") in view of Yamamura (JP 62-106671), Murasko

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(US 2001/0035716; hereinafter "Murasko '716"), Murasko (US 6,203,391; hereinafter "Murasko '391"), Curtin (US 6,160,215), and Kakinote et al. (JP 59-217991), independent claim 1 requires:

A fully contained solar powered laminated electrical tape illumination device comprising a plurality of flexible layers in the following stacked order: a flexible base sealing layer, a flexible thin film battery layer, a flexible thin film photovoltaic layer to produce electricity, an illuminator layer, and a protective surface, wherein an adhesive having a removable covering is applied to said protective surface or base sealing layer, wherein all of the aforesaid layers are flexible and the assembled laminated device is also flexible, wherein electrical circuitry connects the battery layer, the photovoltaic layer and the illuminator layer, and wherein the battery layer is preformed and adhered to the photovoltaic.

It is respectfully submitted that no combination of the above-cited references can render obvious Applicant's independent claim 1, or any of the several claims dependent thereon.

In the Office Action, the Examiner cites Murasko '245 as teaching "stacked layers including . . . a photocell . . . [and] a device 204, such as a thin film battery" However, it is respectfully submitted that Murasko '245 does not teach stacked layers as described in the Office Action. Instead, Murasko '245 merely teaches a power supply (204), a light emitting device (206) and a photocell (208) formed adjacent to each other on a surface of a substrate. *See, e.g.*, Murasko '245 [0024]-[0025]. Thus, Murasko in no way teaches "stacked layers," as required by Applicant's independent claim 1, but merely teaches a surface of a substrate having a power supply, a light emitting device and a photocell all formed on a plane with each other. In contrast, Applicant's claimed invention specifies that the thin film photovoltaic layer, the thin film battery layer, and the illuminator are each separate layers. None of the additional references cited in the Office Action, alone or in any combination, provides the missing teachings necessary to render obvious Applicant's independent claim 1.

The Examiner acknowledges that Murasko et al. do not teach a removable covering over the adhesive, specifically flexible components and devices as claimed, the thin film solar cell overlying the thin film battery, or the device having the claimed order of layers. Official Action at p. 6.

The Examiner cites Yamamura as teaching a reduction in the number of parts of a laminated solar battery device by disposing a charged storage device (a capacitor) on the non-light receiving surface of a thin film solar cell assembly. Id. at p. 7. However, combining the teachings of Yamamura with the teachings of Murasko et al. fails to teach or suggest a preformed flexible thin film battery layer adhered to a thin film solar cell, or the claimed stacked order of layers as required by independent claim 1. Instead, Yamamura simply teaches laminating a solar cell (called a solar battery by Yamamura, but no thin film battery is taught) and a built in capacitor layer on a substrate, thereby reducing the need for an external capacitor. A thin film battery is nowhere taught or suggested by Yamamura.

Moreover, one having skill in the art would have no reason to combine Murasko et al. with Yamamura. Yamamura teaches eliminating the need for an external capacitor by three simple layers (a dielectric layer disposed between two conducting layers) on the solar cell itself. See Purpose and Fig. 1. A preformed thin film battery, as required by the claims, is an external battery that must be adhered to and connected with the solar cell. One having skill in the art would have no reason to combine the teachings of Yamamura with the teachings of Murasko et al. to achieve the claimed invention.

The Examiner cites Curtin as teaching an adhesive layer over an outer protective surface and a removable backing over a clear adhesive layer that allows the cell to be affixed to any desired substrate. However, Curtin clearly fails to provide any teaching of, at least,

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“flexible layers in the following stacked order: a flexible base sealing layer, a flexible thin film battery layer, a flexible thin film photovoltaic layer to produce electricity, an illuminator layer, and a protective surface,” as required by independent claim 1. Even assuming, arguendo, that Curtin teaches as the Examiner describes, Curtin does nothing to provide the teachings missing from Murasko et al. and Yamamura as described above.

The Examiner cites Murasko ‘716 and Murasko ‘391 as teaching an electroluminescent device that is flexible. However, Murasko ‘716 and Murasko ‘391 fail to teach or suggest, alone or in any combination with the cited references, “flexible layers in the following stacked order: a flexible base sealing layer, a flexible thin film battery layer, a flexible thin film photovoltaic layer to produce electricity, an illuminator layer, and a protective surface,” as required by independent claim 1. No stacked order is contemplated in any manner by Murasko ‘716 or Murasko ‘391. Even assuming, arguendo, that Murasko ‘716 and Murasko ‘391 teaches as the Examiner describes, neither Murasko ‘716 nor Murasko ‘391 does anything to provide the teachings missing from Murasko et al. and Yamamura as described above.

Finally, the Examiner relies on Kakinote et al. as teaching a translucent illuminator (7) overlying a thin-film photovoltaic layer (11). However, Kakinote et al. fails to teach or suggest, alone or in any combination with the cited references, at least, “flexible layers in the following stacked order: a flexible base sealing layer, a flexible thin film battery layer, a flexible thin film photovoltaic layer to produce electricity, an illuminator layer, and a protective surface,” as required by independent claim 1. Even assuming, arguendo, that Kakinote et al. teaches as the Examiner describes, Kakinote et al. does nothing to provide the teachings missing from Murasko et al. and Yamamura as described above.

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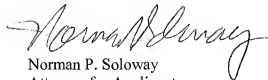
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For at least the foregoing reasons it is respectfully submitted that no combination of the cited references can render obvious Applicant's independent claim 1, or any of claims 5-11, 14-33, 36 and 37, each of which ultimately depend upon claim 1.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Thus, entry of the Amendment, and allowance of the application are respectfully requested. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

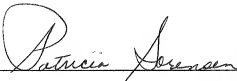
Respectfully submitted,



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